

LAW OFFICES OF CLAUDIA C. BOHORQUEZ

3500 W. Olive Avenue, Suite 300

Burbank, California 91505

Telephone: (818) 973-2793

Facsimile: (818) 973-2792

ccblaw@aol.com

Claudia C. Bohorquez, Esq., SBN #150647

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

FIBERTREK, INC., a Nevada corporation;
LAWRENCE P. WAGNER, an individual;
and JOHN G. PEERY, an individual,

Plaintiffs,

-v-

PREFERRED CORPORATE SERVICES,
INC., a California corp.; DOUGLAS
GREGG, an individual; TDG, LLC, a
Colorado limited liability company; NEIL
SMITH, an individual, DOES 1-100,

Defendants.

Case No. C08 03415 RS

STIPULATION AND
[PROPOSED] ORDER FOR
EXTENSION OF TIME TO
ANSWER OR OTHERWISE
RESPOND TO COMPLAINT

IT IS HEREBY STIPULATED by the Plaintiffs and Defendants, NEIL SMITH and TDG, LLC, through their respective attorneys, that SMITH and TDG be given an extension of 14 calendar days from its current due date to answer or otherwise respond to the Complaint filed by Plaintiffs and that the Court may enter the proposed Order below.

As such, it is stipulated and agreed that Defendants, SMITH and TDG, have

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF
TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT- C08 03415 RS

1 until September 11, 2008, to file an answer or otherwise respond to the
2 Complaint. Nothing in this Stipulation shall constitute a waiver of any of the
3 factual and/or legal defenses available to Defendants SMITH and TDG.

4

5

6

7

8

9

10

11

12 Dated: August 26, 2008

13

14

15

16

17

18 IT IS SO ORDERED:

19

20

21

22

23

24

25

26

27

28

Dated: Aug. 26, 2008 LAW OFFICES OF CLAUDIA C. BOHORQUEZ

By: Claudia C. Bohorquez
Claudia C. Bohorquez, Esq.
Attorney for Defendants SMITH and TDG, LLC

ROPER, MAJESKI, KOHN & BENTLEY

By: Douglas W. Dal Cielo
Douglas W. Dal Cielo, Esq.
Attorneys for Plaintiffs, FIBERTREK, INC.,
WAGNER and PEERY

HON. RICHARD SEEBORG
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 3500 W. Olive Ave., Suite 300, Burbank, California 91505.

On August 26, 2008, I served the foregoing documents described as **"STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT"** on the interested parties in this action [] by placing the true and correct copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: [x] by placing [] the original [x] a true copy thereof enclosed in sealed envelopes addressed as follows:

Douglas W. Dal Cielo, Esq.
ROPER, MAJEWSKI, KOHN & BENTLEY
50 W. San Fernando Street, Suite 1400
San Jose, CA 95113

[X] **BY MAIL** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Burbank, California in the ordinary course of business.

Executed on August 26, 2008, at Burbank, California.

[] **BY OVERNIGHT MAIL** I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight mailing. Under that practice it would be deposited with DHL Express mailbox or other like facility regularly maintained by DHL Express on that same day with postage thereon fully prepaid at Burbank, California in the ordinary course of business.

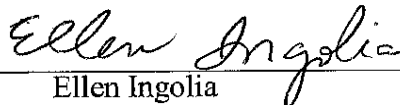
Executed on _____, 2008, at Burbank, California.

[] **BY FACSIMILE TRANSMISSION:** I transmitted said document(s) via facsimile machine pursuant to C.R.C. rule 2.306 to fax numbers and at time set forth below. The facsimile machine I used complied with rule 2.306 and the transmission was reported as complete and without error by the machine. I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

Executed on _____, 2008, at Burbank, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Aug. 26, 2008, at Burbank, California.


Ellen Ingolia